## UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

AIR FORCE OFFICER, on behalf of herself	
and all others similarly situated,	)
•	) Case No. 5:22-cy-00009-TES
Plaintiff,	)
v.	)
	)
LLOYD J. AUSTIN, III, in his	)
official capacity as Secretary of Defense;	)
FRANK KENDALL, III, in his	)
official capacity as Secretary of the Air Force; and	)
ROBERT I. MILLER, in his	)
official capacity as Surgeon General of the	)
Air Force,	)
	)
Defendants.	)

## PLAINTIFF'S MOTION FOR CLASS-WIDE PRELIMINARY INJUNCTION

Pursuant to Federal Rule Civil Procedure 65, Plaintiff Air Force Officer, on behalf of herself and all others similarly situated (collectively, the "Class"), respectfully requests that this Court enter a class-wide preliminary injunction enjoining Defendants from enforcing certain COVID-19 vaccine mandates—specifically, Department of Defense's August 24, 2021 Order and Department of Air Force's September 3, 2021 Order (collectively, the "Mandates")<sup>1</sup>—against any member of the Class, and enjoining Defendants from taking any adverse action

<sup>&</sup>lt;sup>1</sup> Plaintiff, on behalf of herself and all others similarly situated, also seeks relief as to certain federal civilian employee COVID-19 vaccine mandates—specifically, President Biden's September 9, 2021 Executive Order 14043, Department of Defense's October 1, 2021 Order, and Department of Air Force's October 8, 2021 Order. *See* First Amended Class Action Complaint. However, those mandates are preliminarily enjoined pursuant to another court's order, *Feds. for Med. Freedom v. Biden*, --- F. Supp. 3d. ----, 2022 WL 188329, at \*8 (S.D. Tex. Jan. 21, 2022). *See* February 15 Injunction Order [Doc. 51], p. 2 n.2. Therefore the present motion does not seek relief as to those federal civilian employee mandates. Plaintiff reserves the right to pursue such relief in the future if and as appropriate.

against any member of the Class on the basis of this lawsuit or of any member's request for religious accommodation related to the Mandates.<sup>2</sup>

Plaintiff relies on and incorporates the Memorandum of Law in Support of this motion, filed simultaneously herewith. In addition, Plaintiff relies on and incorporates her briefing and the declarations in support of her original Motion for Preliminary Injunction and exhibits thereto [including Doc. 2, 2-1 to 2-17, 40, 40-1, 40-2, 41, 41-1, and 45], the First Amended Class Action Complaint, and her briefing and the declarations in support of her Motion for Class Certification.

WHEREFORE, Plaintiff requests that this Court enter a class-wide preliminary injunction that enjoins Defendants from (1) enforcing the Mandates against Plaintiff or any member of the Class, and (2) taking any adverse action against Plaintiff or any member of the Class on the basis of this lawsuit or of Plaintiff's or any member's request for religious accommodation related to the Mandates.

<sup>&</sup>lt;sup>2</sup> Plaintiff, on behalf of herself and all others similarly situated, also seeks relief as to Defendants' violation of the Administrative Procedure Act. *See* First Amended Class Action Complaint, Count III. The present motion does not seek relief as to this claim. Plaintiff reserves the right to pursue such relief in the future if and as appropriate.

Dated: February 28, 2022

Respectfully submitted,

## /s/ Adam S. Hochschild

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